

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Walter Lee Cline, Jr.

Docket No. 5:01-CR-15-1H

Petition for Action on Supervised Release

COMES NOW Van R. Freeman, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Walter Lee Cline, Jr., who, upon an earlier plea of guilty to 21 U.S.C. § 846, Conspiracy to Distribute and Possess with Intent to Distribute 50 Grams of Cocaine Base (Crack), was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on January 7, 2002, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.

On July 7, 2004, the court reduced his sentence to 80 months, based on the government's motion for downward departure pursuant to Federal Rule of Criminal Procedure 35 (b). Walter Lee Cline, Jr. was released from custody on November 15, 2006, at which time the term of supervised release commenced.

On May 11, 2010, based on the defendant's failure to report as instructed, the court modified his supervision to include the following condition:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 120 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

On July 12, 2010, the court also added the following conditions to assist the defendant in locating employment:

1. The defendant shall participate in a vocational training program as directed by the probation office. Such program may include job readiness training and skills development training.
2. The defendant shall participate in a cognitive behavioral program as directed by the probation office.
3. The defendant shall participate in an educational services program as directed by the probation officer. Such program may include GED preparation, English as a Second Language classes, and other classes designed to improve the defendant's proficiency in skills such as reading, writing, mathematics, or computer use.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

The defendant was placed in the hospital at the end of October 2010 for cellulitis, a bacterial skin infection. He was serving his home detention at the time with two weeks left in his term. He was removed from the system when he entered the hospital. Since then we have waited to see if his infection would clear up. However, he has had to return to the hospital for more care. Since this is a contagious infection, we would recommend that the remainder of the home confinement term be stricken.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. That the balance of the term of home detention be stricken.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

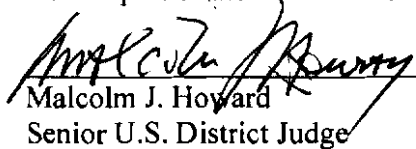
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Van R. Freeman, Jr..
Van R. Freeman, Jr..
Senior U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: January 3, 2011

ORDER OF COURT

Considered and ordered this 10th day of January, 2011, and ordered filed and made a part of the records in the above case.


Malcolm J. Howard
Senior U.S. District Judge